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EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW

New Delhi, the 29th December, 1956

The following Acts of Parliament received the assent of the President on the 28th December, 1956, and are hereby published for general information:—

THE ROAD TRANSPORT CORPORATIONS (AMENDMENT) ACT, 1956

No. 87 OF 1956

[28th December, 1956]

An Act to amend the Road Transport Corporations Act, 1950.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Road Transport Corporations Short title. (Amendment) Act, 1956.

64 of 1950. 2. After section 47 of the Road Transport Corporations Act, 1950, the following section shall be inserted, namely:— Insertion of new section 47A.

37 of 1956. “47A. (1) Where on account of the reorganisation of States under the States Reorganisation Act, 1956, the whole or any part of a State in respect of which a Corporation was, immediately before the 1st day of November, 1956, functioning and operating, is transferred on that day to another State and by reason of such transfer, it appears to the State Government necessary or expedient that the Corporation should be reconstituted or reorganised in any manner whatsoever or that it should be dissolved, the State Government may frame a scheme Special provision for reconstitution or dissolution of certain Corporations.

for the reconstitution, reorganisation or dissolution of the Corporation including proposals regarding the formation of new Corporations the amalgamation of the Corporation with any other Corporation, body corporate or a commercial undertaking of another State Government, the transfer of the assets, rights and liabilities of the Corporation in whole or in part to any other Corporation, body corporate or a commercial undertaking of another State Government, and the transfer or re-employment of any workmen of the Corporation, and the State Government may forward the scheme to the Central Government for approval.

Explanation.—For the purpose of framing any scheme under this sub-section, "State Government",—

(i) in relation to the Bombay State Road Transport Corporation, the Kutch State Road Transport Corporation and the Saurashtra State Road Transport Corporation, shall mean the Government of the State of Bombay, as formed under the States Reorganisation Act, 1956; and

(ii) in relation to the PEPSU Road Transport Corporation, shall mean the Government of the State of Punjab, as formed under the provisions of the States Reorganisation Act, 1956.

(2) On receipt of any such scheme, the Central Government may, after consultation with the State Governments concerned, approve the scheme with or without modifications and for the purpose of giving effect to the approved scheme, the Central Government may, from time to time, make such order in relation thereto as it thinks fit and every order so made shall have effect notwithstanding anything contained in this Act.

(3) Any order made under sub-section (2) may provide for all or any of the following matters, namely:—

(a) the dissolution of the Corporation, notwithstanding anything contained in section 39;

(b) the reconstitution or reorganisation, in any manner whatsoever, of the Corporation including the establishment, where necessary, of more than one Corporation in any State;

(c) the amalgamation of two or more Corporations, or of one Corporation with any other body corporate or a commercial undertaking of any other State Government;

(d) the extension of the area for which the Corporation is established, or the exclusion of any area therefrom;

(e) the transfer, in whole or in part, of the assets, rights and liabilities of the Corporation including the transfer of any licences or permits granted to the Corporation, to any other Corporation, body corporate or a commercial undertaking of any other State Government, and the terms and conditions of such transfer;

(f) the transfer or re-employment of any workmen of the Corporation to, or by, any such transferee, and, subject to the provisions of section 111 of the States Reorganisation Act, 1956, the terms and conditions of service applicable to such workmen after such transfer or re-employment;

(g) such incidental, consequential and supplemental matters as may be necessary to give effect to the approved scheme.

(4) Where an order is made under this section transferring the assets, rights and liabilities of any Corporation, then, by virtue of that order, such assets, rights and liabilities of the Corporation shall vest in, and be the assets, rights and liabilities of, the transferee."

37 of 1956.

8 of 1956.

3. (1) The Road Transport Corporations (Amendment) Ordinance, 1956, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the date on which such thing was done or action was taken.

THE REPRESENTATION OF THE PEOPLE (MISCELLANEOUS PROVISIONS) ACT, 1956

No. 88 of 1956

[28th December, 1956]

An Act to provide for the removal of disqualifications for membership of, and voting at elections to, Parliament and State Legislatures, and for certain miscellaneous matters in connection with such elections.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Miscellaneous Provisions) Act, 1956. Short title.

Removal of
disqualifica-
tion.

2. (1) Every disqualification for membership of Parliament or of the Legislature of a State incurred by any person under the Representation of the People Act, 1951 (hereinafter referred to as the 43 of 1951. principal Act) before the commencement of the Representation of the People (Second Amendment) Act, 1956, for failure to lodge a 27 of 1956. return of election expenses as required by clause (c) of section 7 of the principal Act is hereby removed.

(2) Every disqualification for membership of Parliament or of the Legislature of a State or for voting at an election incurred by any person under the principal Act before the commencement of the Representation of the People (Second Amendment) Act, 1956, for any illegal practice or for any corrupt practice other than the corrupt practice of bribery or undue influence is hereby removed.

Amendment
of section 7.

3. In section 7 of the principal Act, in clause (e), for the words "any corporation in which the appropriate Government has any share or financial interest", the words and brackets "any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five per cent. share" shall be substituted.

Special pro-
vision for
nomination
in case of
prisoners in
Portuguese
territory.

4. Notwithstanding anything contained in section 33 of the principal Act, where a person detained in prison or other custody in any Portuguese territory wishes to stand as a candidate at any election that may be held within one year from the commencement of this Act, the nomination paper of such person and any declaration contained therein may be signed on his behalf by the proposer; but no such nomination paper shall be received by the returning officer unless at the time of its delivery the proposer produces before that officer—

(a) a writing signed by such person and showing his intention to stand as a candidate, and

(b) a certificate signed by a Secretary to the Government of India in the Ministry of External Affairs that the person is detained in prison or other custody in Portuguese territory.

Prevention of
disqualifica-
tion for
membership
of Parliament
in certain
cases.

5. It is hereby declared that the office of member of the Council of Advisers associated with the Chief Commissioner of Manipur or with the Chief Commissioner of Tripura shall not disqualify the holder thereof for being chosen as, or for being, a member of Parliament.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.